

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE SIDE JURISIDICIION  
WRIT PETITION NO.4920 OF 2003

Smt.Mehmooda Noorali Panjwani  
and Ors. ..Petitioners

Vs.

Rajan Kondaji Waiskar  
and ors. ..Respondents

.....  
Mr.P.K.Dhakephalkar with A.M.Rajabally for  
Petitioners  
Mr.C.M.Kothari for respondent no.1  
Mr.I.K.Tripathi for respondent nos.3 & 4  
Mr.S.H.patel for respondent nos. 5 to 10  
.....

**CORAM : B.H.MARLAPALLE, J.**  
**DATE : MARCH 21, 2005**

**P.C.:**

1. Heard the learned counsel for the respective parties. In suit No.4186 of 1998 filed before the Bombay City Civil Court, Notice of Motion No.3863 of 1998 was allowed by an order dated 20.10.1999 and the plaintiff was directed to be put in possession of the suit shop admeasuring 5 feet x 10 feet. The fresh Notice of Motion No.1857 of 2000 was moved in the very same suit for recall/modification of the earlier order dated 20.10.1999 and the Notice of Motion was made absolute by an order dated 6.11.2001 which has been impugned in this petition. An order of status-quo was passed in this petition on 29.7.2003 and thus, for the last about six years, the order of

possession passed at an interlocutory stage, could not be acted upon.

2. The learned counsel for the respective parties concede that the petition has to be disposed of and more so because, the civil suit no. 4186 of 1998 has already reached the stage of hearing and it could be finally heard and decided within a period of about three months. Under the obtaining circumstances, the submissions made by the learned counsel deserve to be accepted and therefore, the petition is hereby disposed of by directing that the civil suit no.4186 of 1998 shall be heard and decided as expeditiously as possible and in any case, before 30.6.2005. The order of status-quo granted by this Court shall be operative till 30.6.2005. Both the parties have undertaken before this Court that they will extend their cooperation so that the suit is decided within the time specified.

[ B.H.MARLAPALLE, J. ]